IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.773 OF 2002

The Commissioner of Income Tax .. Appellant.
V/s.
Shri Mahakali Sahakari Sakhar
Karkhana Limited .. Respondent.

Mr.R.V. Desai, Senior counsel with R. Asokan i/b. K.B. Rao for the appellant.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.
DATED : 7TH OCTOBER, 2004.

P.C. :

Heard Mr.R.V. Desai, the learned senior counsel for the revenue.

2. The Tribunal has restored the case of the assessee to the file of the Assessing Officer in respect of cane development fund as well as area development fund. We find no justification for interference. Obviously while considering the matter afresh, the Assessing Officer shall take into consideration the judgment of the Supreme Court in the case of Siddheshwar Sahakari Sakhar Karkhana Limited V/s. Commissioner of Income Tax [270 ITR 1].

3. The appeal is disposed of accordingly.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)